S.B.CRIMINAL MISC. BAIL APPLICATION NO.5537/2007

(Raju & Ors. vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vinod Sharma, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.D.S.Udawat, for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned. I have carefully gone through the statement of the prosecutrix recorded by the Judicial Magistrate, Jaitaran under section 164 Cr.P.C.

In whole of the statement of the prosecutrix, the allegation is against one Mala Ram, who alleged to have taken away the prosecutrix forcibly to various places and committed rape on her. The petitioners have not been named in the statement of the prosecutrix.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Raju s/o Jagji, Panchudi w/o Kalyan and Chotudi w/o Raju in FIR No.249/2007, P.S. Jaitaran, Distt. Pali, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-